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H.C.P.No.811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.811 of 2023

C.Sivasakthi

..Petitioner

Vs

- 1.The Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai – 600 054.
- 2.The Deputy Commissioner of Police,
Avadi, Chennai – 600 054.
- 3.The Assistant Commissioner of Police,
T6 Police Station Campus,
Avadi, Chennai – 600 054.
- 4.The Inspector of Police,
T6 Police Station Campus,
Avadi, Chennai – 600 054.
- 5.Krishnamoorthy

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents 1 to 4 to secure the detenu XXX, D/o.Krishnamurthy, aged 23 years, from the custody of the 5th respondent, produce her before this Court forthwith and to set her at liberty.

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For Petitioner : Mr.R.Udayakumar
For Respondents : Mr.S.Raja Kumar,
Additional Public Prosecutor
for R1 to R4

ORDER
(Made by DR.ANITA SUMANTH.,J)

It is the petitioner's claim that himself and the detainee were employed in a private entity at Chennai, fell in love with each other and had decided to get married. There was, however, stiff opposition by her parents, mother and her father/R5, to the aforesaid proposal.

2. Thus, according to the petitioner, the detainee had been forcibly kept at home and had not been permitted to attend the office in order to frustrate their wedding plans. He states that he has received phone calls from a mobile number, which is stated to be the detainee's mother's, and the detainee had told the petitioner that she was being kept under lock and key and was being forced to marry a relative.

3. He also states that she had categorically asked him to obtain her freedom and marry her under threat of ending her life. He thus lodged a complaint with R4, the Sub-Inspector, T6 Police Station Campus, Avadi, who had not cooperated. The third respondent, the



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Assistant Commissioner of Police, T6 Police Station Campus had happened to come to the police station who then directed a woman police constable to verify the mobile number from which the detainee had called. After some attempts, the calls were answered by the detainee's mother who was not cooperative.

4. The petitioner specifically objects to the attitude of the second respondent, the Deputy Commissioner of Police, Avadi, who is alleged to have told him that parents would be the guardian of a girl till such time she is given in marriage.

5. Fearing for the safety of the detainee, the petitioner is before this Court with this habeas corpus petition for a direction to official respondents/R1 to R4 to secure the detainee from her parents.

6. When the matter was called for hearing, the petitioner, detainee and her parents were present in Court.

7. The detainee is a major and a conversation with her reveals that while she was not disinclined to marry the petitioner, she would want to do so with the full consent of her parents. The matter was passed over to enable the parties to discuss the matter and arrive at an amicable solution.

8. When the matter was thereafter called, the detainee confirms the position that she has not been held under duress or coercion and is



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living on her own free will with her parents.

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9. She confirms however that the desperate whatsapp messages at page 2 of the compilation filed in support of this petition, which confirms the statements recorded at paragraphs 2 and 3 above have, indeed, been sent by her. There is nothing further to be done in the matter.

10. In light of the aforesaid narration and recording the above, this Habeas Corpus Petition is closed.

(A.S.M., J.) (M.N.K., J.)
10.05.2023

Index:Yes/No

Neutral Citation : Yes

ssm/sl

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Avadi, Chennai – 600 054.
- 3.The Assistant Commissioner of Police,
T6 Police Station Campus,
Avadi, Chennai – 600 054.
- 4.The Inspector of Police,
T6 Police Station Campus,
Avadi, Chennai – 600 054.
- 5.The Public Prosecutor,
High Court, Madras.

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DR.ANITA SUMANTH.,J
and
M.NIRMAL KUMAR.,J

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